

Clerk, U.S. District Court  
Southern District of Texas  
FILED

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

SEP 11 2014

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

**Linda Yvonne MATA**

**CRIMINAL COMPLAINT**

Case Number: **C-14-978M**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about September 10, 2014 in Brooks County, in the  
(Date)

Southern District of Texas defendants, **Linda Yvonne MATA**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324  
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the  
following facts:  
Official Title

See Attached Affidavit

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

David Smith  
Signature of Complainant

David Smith USBP  
Printed Name of Complainant

Sworn to before me and signed in my presence, and probable cause found on

September 11, 2014

Date

B. Janice Ellington U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State

B. Janice Ellington  
Signature of Judicial Officer

## **AFFIDAVIT**

On September 10, 2014 at about 1:00 p.m., Linda Yvonne MATA stopped in Border Patrol Agent (BPA) Damien Guerrero's primary lane for an immigration inspection. MATA was driving a blue 2003 Chevrolet Cavalier bearing Texas plates CZN-6780. BPA Guerrero asked the driver, MATA, if she was a United States Citizen, and MATA replied indicating that she was a citizen. BPA Guerrero then asked MATA where she was going and MATA stated that she was going to a Stripes gas station in Falfurrias, Texas to pick up her niece. BPA Guerrero next asked MATA who the vehicle, that she was driving, was registered to. MATA stated that the vehicle belonged to her friend "Victoria" and as she was answering the agent, MATA reached into the glove box and retrieved the vehicle's insurance. As MATA was handing the vehicle's documentation to Agent Guerrero, Agent Guerrero observed that her hands were shaking in a nervous manner.

As BPA Guerrero was questioning MATA, BPA Jorge Garcia indicated to BPA Guerrero that his service canine partner "Dialo" was alerting to the rear of the vehicle. At this time, BPA Guerrero asked MATA for permission to search the vehicle and MATA consented. BPA Guerrero then instructed MATA to move to the secondary area.

In the secondary inspection area, MATA was removed from the vehicle and BPA Jose Cervantes attempted to open the trunk of the vehicle utilizing the vehicle's key. Agents were unable to open the trunk with the key, but found a trunk release switch inside the cabin of the vehicle. Upon opening the trunk, Agents located two undocumented aliens, later identified as Angel David HERNANDEZ-Lopez of Honduras and Reginaldo MONTANO-Ramos of Mexico. The undocumented aliens were drenched in sweat and it appeared to Agent Cervantes that MONTANO appeared frightened and struggling to take full breaths. The undocumented aliens were offered water and stated that they were ok after breathing some fresh air and drinking the water.

BPA Guerrero advised MATA that she was under arrest and advised MATA of her rights as per service form I-214. MATA signed the form indicating that she understood her rights and that she was willing to give a statement. This was witnessed by BPA Jose Cervantes. Miranda warnings were served upon Reginaldo MONTANO-Ramos by BPA Luis Gonzalez with BPA Gerardo Ibarra witnessing. MONTANO signed indicating that he understood his rights and again signed indicating that he was willing to make a statement. Miranda warnings were also served upon Angel David HERNANDEZ-Lopez by BPA Mario Silva with BPA Anthony D'Amico witnessing. HERNANDEZ signed indicating that he understood his rights but requested a lawyer before answering any questions.

Border Patrol Agent Matthew Brem arrived to the Falfurrias Border Patrol Station to take MATA's statement and Border Patrol Agent Danny Salinas witnessed. MATA stated she went to her friend Donnie GARZA's house in Hargill, Texas. MATA stated that GARZA told her he had some illegal aliens and he needed a favor from her. MATA explained that GARZA asked her to

smuggle the two people to a Denny's in San Antonio, Texas. MATA further explained that GARZA provided her the car and led her to a house in Edinburg, Texas. Upon arriving to the house, MATA stated that GARZA went inside the house and came out with the two illegal aliens. MATA stated the illegal aliens were placed into the trunk, but the back seats were folded down. MATA further stated GARZA instructed her to drive north. Just prior to arriving to the checkpoint, she was to close the back seats with the illegal aliens in the trunk so that she could get through the checkpoint. MATA admitted that she only stopped once for gas at the Loves in Edinburg and that she closed the seats just prior to arriving at the Border Patrol Checkpoint. MATA stated that if she successfully passed through the checkpoint, she intended on stopping at the rest stop just north of the checkpoint to open the back seat. She stated that she planned on leaving the aliens in the trunk with the seats down until arriving in San Antonio, Texas.

Reginaldo MONTANO-Ramos, a material witness, stated that he illegally entered the United States by crossing the Rio Grande River on or about September 2, 2014. MONTANO stated that he was being smuggled into the United States and that his family made his smuggling arrangements. MONTANO further stated that after illegally crossing the Rio Grande River he was taken to a house, possibly in Donna, Texas, where he remained for a few days. MONTANO stated that today, September 10, 2014, MATA arrived to the house in a blue car and MONTANO and HERNANDEZ were instructed to get into the trunk of the car. MONTANO further explained that MATA specifically told them how to lie in the trunk so they could fit inside the small area. After being loaded into the trunk, MONTANO stated that MATA began driving the vehicle and that the back seats were folded down. After a short distance, MATA closed the back seat and then the vehicle came to a stop. MONTANO stated that he could hear MATA pumping gas. According to MONTANO, the vehicle again began to move and he remained in the vehicle for approximately one hour until he was encountered by the Border Patrol Agents. MONTANO stated that he feared for his life because it was very hot in the trunk and he was beginning to have trouble breathing.

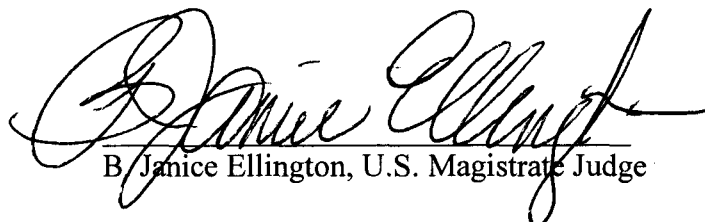
Angel David HERNANDEZ-Lopez declined to make a statement.

AUSA Lance Watt was notified of these facts and agreed to prosecute MATA for violation of Title 8 USC 1324.

A handwritten signature in black ink, appearing to read "David Smith", written over a horizontal line.

David Smith  
Border Patrol Agent  
U.S. Border Patrol

SUBSCRIBED AND SWORN TO  
BEFORE ME THIS 11th Day  
of September, 2014

A handwritten signature in black ink, appearing to read "Janice Ellington", written over a horizontal line.

B. Janice Ellington, U.S. Magistrate Judge